

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

THE STATE OF MISSOURI, *et al.*,

Plaintiffs,

v.

JOSEPH R. BIDEN, JR., in his official
capacity as President of the United States,
et al.,

Defendants.¹

Case No. 4:21-cv-00287-AGF

DEFENDANTS' MOTION TO DISMISS

Defendants move to dismiss Plaintiffs' Amended Complaint, ECF No. 6, in its entirety, for lack of subject-matter jurisdiction (under Federal Rule of Civil Procedure 12(b)(1)) and for failure to state a claim upon which relief can be granted (under Federal Rule of Civil Procedure 12(b)(6)). The reasons for Defendants' motion are set forth in Defendants' Combined Memorandum of Law in Support of Motion to Dismiss and in Opposition to Plaintiffs' Motion for a Preliminary Injunction. Defendants' combined brief is being filed concurrently with this motion, pursuant to the Court's May 5, 2021 Order, ECF No. 22.

¹ Pursuant to Federal Rule of Civil Procedure 25(d), Shalanda Young (Acting Director of the Office of Management and Budget) and Dr. Eric S. Lander (Director of the Office of Science and Technology Policy) are automatically substituted as Defendants in their official capacities for their predecessors, Robert Fairweather and Kei Koizumi (respectively).

Dated: June 4, 2021

Respectfully submitted,

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Acting Assistant Attorney General

SAYLER A. FLEMING
United States Attorney

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